



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WALKER et al.

) Examiner: Not Yet Assigned
)
Group Art Unit: Not Yet Assigned
)
Attorney Docket No: 01-033
)
Customer No.: 22927
)

22927

Serial No.: 09/973,581

Filing Date: October 9, 2001

For: METHOD AND APPARATUS FOR
ENTERTAINING CALLERS IN A
QUEUE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Priority mail in an envelope with sufficient postage and addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on January 8, 2002.

Dated: 01/08/02 By:

Michael D. Brinton

Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. 1.47(a)
TO REQUEST ACCEPTANCE OF NATIONAL APPLICATION
WITHOUT PARTICIPATION OF ONE OR MORE INVENTORS

Sir:

Applicants request acceptance of the present application without participation of one or more inventors, which inventor(s) have either refused to join in the application or cannot be found or reached after diligent effort.

Relevant facts and proof

Applicants filed the present patent application on October 9, 2001. No Oath or Declaration was filed with the application on October 9, 2001.

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Thomas Sparico, an inventor on the present application, is no longer employed by Walker Digital. His last known address was: 525 East 72nd Street, Apartment 23F, New York, NY 10021.

On October 23, 2001, Applicants prepared and mailed to **Thomas Sparico** at what was his last known address: 525 East 72nd Street, Apartment 23F, New York, NY 10021, the following documents pertaining to Walker Digital cases 01-033 and 00-065: 1) Cover Letter; 2) Assignment of Rights, Title and Interest in Invention; 3) Declaration and Power of Attorney; 4) Copy of Application with Figures; and 5) Self addressed stamped envelope for return to Applicants. *Please see AFFIDAVIT OF VERONIKA LELIEVER, and EXHIBIT A (Cover Letter mailed October 23, 2001).*

On November 20, 2001 Applicants contacted **Thomas Sparico** at his last known telephone number of (914) 441-2278. Thomas Sparico informed Applicants that he had not received the documents mailed to his home on October 23, 2001. *Please see AFFIDAVIT OF MICHAEL BRINTON.*

On November 20, 2001, Applicants prepared and mailed to **Thomas Sparico** at what was his last known address: 525 East 72nd Street, Apartment 23F, New York, NY 10021, another package containing following documents pertaining to Walker Digital cases 01-033 and 00-065: 1) Cover Letter; 2) Assignment of Rights, Title and Interest in Invention; 3) Declaration and Power of Attorney; and 4) Copy of the Application with Figures, and 5) Self addressed stamped envelope for return to Applicants. *Please see AFFIDAVIT OF VERONIKA LELIEVER, and EXHIBIT B (Cover Letter mailed November 20, 2001).*

On November 28, 2001, in another telephone conversation with **Thomas Sparico**, he confirmed with Applicants that he had received some Applications but could not confirm which ones. He informed Applicants that he would call back after 4:00 p.m. the same day. He did not return this call. *Please see AFFIDAVIT OF MICHAEL BRINTON.*

On December 10, 2001, December 17, 2001 and January 4, 2002, Applicants attempted to contact **Thomas Sparico** via telephone. Applicants left messages at Thomas Sparico's last known telephone number of (914) 441-2278 requesting that he call Applicants to inform of the status of

the documents mailed to his home on November 20, 2001. Thomas Sparico did not return these telephone calls. *Please see AFFIDAVIT OF MICHAEL BRINTON.*

As of today, **Thomas Sparico** has not executed any of the documents pertaining to the present Application, despite repeated attempts by Applicants to contact him.

Last known address(es) of the non-signing inventor(s)

The latest address of Thomas Sparico is:

525 East 72nd Street
Apartment 23F
New York, NY 10021

Oath or Declaration

Applicants have filed an oath or declaration signed by all the available joint inventors with the signature block of the non-signing inventor(s) left blank.

Petition Fee

Please charge \$130.00 for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Petition, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,



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January 8, 2002

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